

The FAA estimates that 45 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 160 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$3,800 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$603,000, or \$13,400 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker: Docket 94–NM–241–AD.

Applicability: Model F28 Mark 0100 series airplanes, serial numbers 11244 through 11371 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking in the frame strips at fuselage stations 14911 and 17011, which could result in reduced structural integrity of the fuselage pressure vessel, accomplish the following:

(a) Prior to the accumulation of 24,000 total flight cycles, or within 6 months after the effective date of this AD, whichever occurs later, install reinforcement plates at left and right fuselage stations 14911 and 17011, in accordance with Fokker Service Bulletin SBF100–53–072, dated March 12, 1993.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 27, 1995.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.
[FR Doc. 95–5243 Filed 3–2–95; 8:45 am]

BILLING CODE 4310–13–U

14 CFR Part 39

[Docket No. 95–NM–05–AD]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 series airplanes. This proposal would require an inspection to determine the adequacy of clearance between the normal maximum (second) detent for the reverse thrust control and the surrounding moving parts and to detect chafing or damage of the detent. This proposal would also require eventual replacement of the normal maximum detent with an improved detent. This proposal is prompted by a report indicating that an inadequate level of clearance between the normal maximum detent and the surrounding parts may exist on earlier production Model F28 Mark 0100 series airplanes. The actions specified by the proposed AD are intended to ensure proper operation of the normal maximum detent for reverse thrust control.

DATES: Comments must be received by April 28, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–05–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the

proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-05-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-05-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On June 29, 1992, the FAA issued AD 92-15-08, amendment 39-8302 (57 FR 34216, August 8, 1992), applicable to certain Fokker Model F28 Mark 0100 series airplanes, to require removing the normal maximum (second) detent of the reverse thrust control and installing an improved unit. That action was prompted by reports indicating that the override force for the normal maximum detent of the reverse thrust control is too low. The actions required by that AD are intended to prevent fatigue damage and subsequent reduced structural capability of the horizontal stabilizer attachment.

The normal maximum detents that were installed in accordance with AD 92-15-08 (reference Fokker Service Bulletin SBF100-76-008, dated May 8, 1991) were intended to be functional only with certain pulleys. Since the issuance of that AD, however, the Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, has notified the FAA that

certain earlier production airplanes affected by AD 92-15-08 are not fitted with those specific pulleys. As a result, compliance with AD 92-15-08 may have produced an inadequate level of clearance between the normal maximum detent and the surrounding moving parts on these airplanes. This condition, if not corrected, could result in the inability to select reverse thrust levels above the normal maximum detent.

Fokker has issued Service Bulletin SBF100-76-010, dated October 31, 1993, which describes procedures for:

1. Performing a one-time inspection of certain airplanes to determine the adequacy of clearance between the normal maximum detent for the reverse thrust control and the surrounding moving parts and to detect chafing or damage of the detent and/or surrounding moving parts; and

2. Replacing the normal maximum detent for reverse thrust control with an improved detent.

The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive BLA 93-151(A), dated November 1, 1993, in order to assure the continued airworthiness of these airplanes in the Netherlands.

The FAA is considering further rulemaking action to revise AD 92-15-08 to change the applicability of that AD to remove certain earlier production Model F28 Mark 0100 series airplanes that could have a potential thrust reverser detent interference problem.

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time inspection to determine the adequacy of clearance between the normal maximum detent for the reverse thrust control and the surrounding moving parts, and to detect chafing or damage of the normal maximum detent; and replacement of the normal maximum detent with a new normal maximum detent. The actions would be

required to be accomplished in accordance with the service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

The FAA estimates that 5 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$400 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$5,000, or \$1,000 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this

action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

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The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker: Docket 95–NM–05–AD.

Applicability: Model F28 Mark 0100 series airplanes, serial numbers 11244 through 11261 inclusive, 11263, and 11268 through 11283 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To ensure proper operation of the normal maximum detent for reverse thrust control, accomplish the following:

(a) For airplanes on which Fokker Service Bulletin SBF100–76–008, dated May 8, 1991, has been accomplished: Within 1,500 flight cycles after the effective date of this AD, perform an inspection to determine the adequacy of clearance between the normal maximum (second) detent for the reverse thrust control and the surrounding moving parts and to detect chafing or damage of the normal maximum detent, in accordance with Part 1 of the Accomplishment Instructions of

Fokker Service Bulletin SBF100–76–010, dated October 31, 1993.

(1) If any chafing or damage is found (regardless of clearance), prior to further flight, replace the normal maximum detent with an improved normal maximum detent, in accordance with Part 2 of the Accomplishment Instructions of the service bulletin

(2) If the clearance is found to be inadequate, but no chafing or damage is found, within 250 flight cycles following the inspection required by paragraph (a) of this AD, replace the normal maximum detent with an improved normal maximum detent, in accordance with Part 2 of the Accomplishment Instructions of the service bulletin.

(3) If the clearance is found to be adequate and no damage or chafing is found, within 3,000 flight cycles following the inspection required by paragraph (a) of this AD, replace the detent with an improved normal maximum detent, in accordance with Part 2 of the Accomplishment Instructions of the service bulletin.

(b) For airplanes on which Fokker Service Bulletin SBF100–76–008, dated May 8, 1991, has not been accomplished: Within the next 500 flight cycles after the effective date of this AD, replace the normal maximum detent for reverse thrust control with an improved normal maximum detent, in accordance with Part 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–76–010, October 31, 1993.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 27, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–5242 Filed 3–2–95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 905

[Docket No. 950104002–5002–01; I.D. 061394C]

RIN 0648–AE40

Use in Enforcement Proceedings of Information Collected by Voluntary Fishery Data Collectors

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: The Secretary of Commerce (Secretary), through NOAA, is publishing proposed regulations that would restrict the use of information collected by voluntary fishery data collectors (VFDC). These regulations would limit the extent to which such information could be used in civil and criminal enforcement proceedings conducted pursuant to the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Endangered Species Act (ESA), and the Marine Mammal Protection Act (MMPA). In promulgating these regulations, NOAA seeks to encourage the use of VFDCs by the fishing industry, while protecting the necessary use of observer information by law enforcement personnel.

DATES: Comments must be submitted by May 2, 1995.

ADDRESSES: Comments may be mailed to the National Oceanic and Atmospheric Administration, Office of General Counsel, Enforcement and Litigation Section, 8484 Georgia Avenue, 4th Floor, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Joel La Bissonniere, (301) 427–2202.

SUPPLEMENTARY INFORMATION:

Background

The Magnuson Act, 16 U.S.C. 1801, *et seq.* and the MMPA, 16 U.S.C. 1361 *et seq.* specifically authorize the stationing of observers aboard fishing vessels.

Observers serve two separate and essential purposes. First, observers collect scientific information essential to the effective management and protection by the National Marine Fisheries Service (NMFS) of ocean fisheries and protected species. Second, observers monitor compliance with existing Federal laws. Information collected by an observer that establishes a violation of the Magnuson Act, the MMPA or the ESA, 16 U.S.C. 1531 *et*